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made at a time when the parties must have intended to deal with the motion picture rights. The extension of the doctrine of the case of *Harper Bros. v. Klaw, supra*, to cover the case at bar, makes it impossible for a grantor to enjoy the benefits of that portion of his estate not conveyed away, unless, by express terms, he reserves the right to do so.

DEEDS—DELIVERY—EFFECT OF RECORDING.—The plaintiff, being advised by a physician that he might die at any time, made a deed of land to his son reserving a life estate to himself. This deed remained in the custody of the plaintiff except for the time between giving it to the clerk for record and receiving it back after recording. He did not intend to give up possession of it unless he became sick. The son knew nothing of the execution and recording of the deed to him. A bill was brought by the plaintiff to cancel the deed. *Held*, the presumption of delivery by recording was rebutted by the facts of the case. *Lynch v. Lynch* (Miss. 1920) 83 So. 807.

The mere fact of recording a deed is generally held to show a presumption of delivery so far as any acts of the grantor are required. *Rogers v. Jones* (1916) 172 N. C. 156, 90 S. E. 117; *cf. Guggenheimer v. Lockridge* (1894) 39 W. Va. 457, 19 S. E. 874. But this presumption is rebuttable by evidence indicating no intent to pass title. *Konser v. Konser* (1906) 219 Ill. 466, 76 N. E. 846; *Hogadone v. Grange Mut. Fire Ins. Co.* (1903) 133 Mich. 339, 94 N. W. 1045. Retention of possession of the deed or property by the grantor does not of itself rebut this presumption, either as in the instant case, *Valter v. Blavka* (1902) 195 Ill. 610, 63 N. E. 499, or where no life estate is reserved. *Creighton v. Roe* (1905) 218 Ill. 619, 75 N. E. 1073; *Mitchell v. Ryan* (1854) 3 Oh. St. 377. Some states hold that recording is simply evidence to be considered in connection with other facts on the question of delivery. *Cravens v. Rossiter* (1893) 116 Mo. 338, 22 S. W. 736; see *Johnson v. Johnson* (1905) 38 Tex. Civ. App. 385, 85 S. W. 1023. Other jurisdictions regard recording alone as no evidence whatsoever of delivery. *Egan v. Horrigan* (1901) 96 Me. 46, 51 Atl. 246; *Maynard v. Maynard* (1813) 10 Mass. 462. But by the weight of authority, recording with intent to divest one's self of title, is conclusive against the grantor, if there is an acceptance by the grantee. This is implied if recording is done with the grantee's knowledge and consent. *Brady v. Huber* (1902) 197 Ill. 291, 64 N. E. 264; *cf. Parmelee v. Simpson* (1866) 72 U. S. 81. It is also presumed where the grant is beneficial, *Collings v. Collings* (Ky. 1906) 92 S. W. 577, especially in the case of a grantee under a mental disability, *Baker v. Hall* (1905) 214 Ill. 364, 73 N. E. 351, or an infant. *Coulson v. Coulson* (1903) 180 Mo. 709, 79 S. W. 473; *Compton v. White* (1891) 86 Mich. 33, 48 N. W. 635; *Colee v. Colee* (1889) 122 Ind. 109, 23 N. E. 687; *Mitchell v. Ryan, supra*. This is true of a husband or wife. *Sasseen v. Farmer* (1918) 179 Ky. 632, 201 S. W. 39; *Russell v. May* (1905) 77 Ark. 89, 90 S. W. 617. But some courts hold there is no presumption in the case of one *sui juris* who has no knowledge, especially if the grant is not beneficial. *Sullivan v. Eddy* (1894) 154 Ill. 199, 40 N. E. 482. In the instant case, it is immaterial whether the grantee was a minor or *sui juris*, since there was in fact no intent to deliver the deed.

EXEMPTION—APPLICABILITY TO CRIMINAL CASES—COSTS AND FINES.—The plaintiff had been convicted of burglary and a judgment in favor of the people for the costs of the prosecution had been rendered against

him. Execution was issued on the judgment by the defendant and the plaintiff now sues for damages resulting from the sale of property which he claims was exempt from execution under § 3628, Colo. Rev. Stat. 1908. *Held*, two judges dissenting, that the statute referred to has no application to an execution to satisfy a judgment for costs in criminal cases. *Enderman v. Alexander* (Colo. 1920) 187 Pac. 729.

In dealing with exemption statutes in respect to costs and fines in criminal actions, two questions arise. First, is the language of the statute broad enough to include exemption from such claims? The instant case was disposed of immediately by answering this question in the negative, the court reasoning that § 3628 of the Rev. Stat. 1908 covering exemptions, being a part of the Civil Code, had no application in a criminal case. In support of this contention, the court argued that § 2012, which provides that any person imprisoned for failure to pay fines or costs should be released if he "hath no estate whatever wherewith to pay such fine or costs", clearly indicates the legislative intent not to allow the privilege of exemption in such cases. But *cf. Betterton v. O'Dwyer* (1907) 124 Mo. App. 306, 101 S. W. 628. Where the statute exempts property from execution on judgments on debts contracted, there are holdings that fines and costs are included, *Edwards v. Thayer* (1916) 122 Ark. 579, 184 S. W. 64; *Loomis v. Gerson* (1871) 62 Ill. 11, and also holdings to the contrary. *Jones v. Tarleton* (Ala. 1917) 75 So. 643; *Whiteacre v. Rector* (Va. 1878) 29 Gratt. 714. The individual statutes must be examined for distinctions. Had the court been able to answer the first question in the affirmative, a second would have presented itself, *viz*: if the state is the plaintiff and is not specifically included in the statute, may the defendant claim exemptions? Here again the authority is divided. In line with the policy of liberal construction of the exemption statutes in favor of the debtor, the purpose of the statutes being the protection of the debtor and his family, it has been urged that protection is needed as well against the state as against any other creditor. *Commonwealth v. Cassady* (1914) 159 Ky. 776, 169 S. W. 497; *Maloney v. Newton* (1882) 85 Ind. 565; *State v. Williford* (1880) 36 Ark. 155. The contrary view is based on the contention that public policy demands that the administration of public justice be unhampered by exemptions in the application of one of its most potent means of punishing crime. See *Whiteacre v. Rector*, *supra*. The former view would seem to have the weight of authority.

LIBEL AND SLANDER—PRIVILEGED COMMUNICATION—INFORMATION OF CRIME.—The defendant wrote a note to the plaintiff's employer, accusing the plaintiff of embezzlement. The charge was unfounded. In an action for libel, *held*, the communication was qualifiedly privileged. *Doyle v. Glauss* (App. Div. 2nd. Dept. 1920) 180 N. Y. Supp. 671.

A communication, accusing the plaintiff of a crime, is privileged if made in good faith to an officer of the law. *Beshiers v. Allen* (Okla. 1915) 148 Pac. 141; but see *Hancock v. Blackwell* (1897) 139 Mo. 440, 452, 41 S. W. 205. And what little authority there is holds in accord with the instant case that such a communication is privileged if made to the party most interested. *Noonan v. Orton* (1873) 32 Wis. 106; *Stuart v. Bell* [1891] 2 Q. B. 341. The basis of this privilege is public or social duty. See *Shinglemeyer v. Wright* (1900) 124 Mich. 230, 239, 82 N. W. 887. In the leading case of *Byam v. Collins* (1888) 111 N. Y. 143, 19 N. E. 75, the court decided that the defendant was not under a social duty to communicate defamatory matter about the plaintiff to a close friend engaged to be married to the latter, even though